

SUPERVISOR BURKE'S MOTION

CHIEF ADMINISTRATIVE OFFICER'S MEMO DATED SEPTEMBER 10, 2004

AGN. NO. _____

MOTION BY SUPERVISOR YVONNE B. BURKE

SEPTEMBER 14, 2004

State Assemblymembers Fran Pavley and Christine Kehoe have introduced a legislative proposal requiring cell phone retailers, by July 1, 2006, to take back used cell phones at no cost to the consumer. The proposal, Assembly Bill 2901, would dramatically increase the opportunities for consumers to recycle their used cell phones and ensure a reduction of cell phone disposal at local landfills. The State Legislature has recently passed Assembly Bill 2901 and the Bill is on the Governor's desk for signature.

The County, in partnership with the County Sanitation Districts of Los Angeles County, currently implements the Countywide Household Hazardous Waste/Electronic Waste Management Program. The Program provides a free and convenient means for residents to manage their household hazardous waste (e.g., paint oil, household cleaning products) and electronic waste (e.g., cell phones, televisions, computers) by conducting weekly collection events throughout the County. Moreover, the County and

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MOTION

MOLINA	_____
BURKE	_____
YAROSLAVSKY	_____
ANTONOVICH	_____
KNABE	_____

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the City of Los Angeles, through a cooperative effort, have made five City permanent household hazardous waste/electronic waste collection centers available for use by all residents free of charge. While the Program has provided a convenient option for residents to manage these wastes, the Program's funding is limited and has become increasingly inadequate to meet the needs of residents as more waste is generated. Thus, it is imperative that manufacturers and retailers do their fair share to reduce this burden on local governments.

If Assembly Bill 2901 becomes law, it would help alleviate this increased burden on local governments to manage this category of waste while at the same time promote practical measures that extend producer responsibility, improve the infrastructure for collection, reuse and recycling of cell phones, and stimulate the markets for remanufactured products and recycled materials.

I, THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Support Assembly Bill 2901 (Pavley and Kehoe) which would require cell phone retailers, by July 1, 2006, to take used cell phones at no cost to the consumer, thereby increasing the opportunities for consumers to recycle their used cell phones; and
2. Instruct the Chief Administrative Officer to send correspondence to Governor Arnold Schwarzenegger expressing the Board's support of AB 2901 and urging him to sign the Bill into law.



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Second District


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Third District

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MICHAEL D. ANTONOVICH
Fifth District

September 10, 2004

To: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen 
Chief Administrative Officer

MOTION TO SUPPORT AB 2901 (PAVLEY AND KEHOE) RELATED TO CELLULAR PHONE RECYCLING (ITEM NO. 10, AGENDA OF SEPTEMBER 14, 2004)

Item Number 10, on the September 14, 2004 agenda, is a motion by Supervisor Burke to support AB 2901 (Pavley and Kehoe) and instruct the Chief Administrative Officer to send correspondence to Governor Schwarzenegger expressing the Board's support of AB 2901 and urging him to sign the bill into law.

Existing law requires the California Integrated Waste Management Board (CIWMB) to administer State programs to recycle various specified materials, including the Electronic Waste Recycling Act of 2003, which governs certain electronic devices with display screens greater than four inches in size. The California Integrated Waste Management Act establishes a statewide household hazardous substance information and collection program within the CIWMB, and requires local agencies to divert 50 percent of solid waste disposal by their jurisdiction through source reduction, recycling, and composting.

AB 2901 would enact the Cell Phone Recycling Act of 2004, and would require a retailer selling cellular phones in the State to have a system for the acceptance and collection of used cell phones for reuse, recycling, or proper disposal in place by July 1, 2006. The bill would make it unlawful to sell a cell phone in this State to a consumer on and after July 1, 2006, unless the retailer of that cell phone complies with the act.

The system for accepting and collecting used cell phones must include the following elements at no cost to the consumer: 1) the take-back of a used cell phone that the retailer sold to a consumer; 2) the take-back of a used cell phone from a consumer who is

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purchasing a new cell phone from that retailer; and 3) a mechanism for the consumer to return the used cell phone at the time of delivery of a new cell phone from the retailer to the consumer. Retailers would also be required to make information available to consumers about cell phone recycling opportunities provided by the retailer and encourage consumers to take advantage of these opportunities, and State agencies purchasing or leasing cell phones must certify that prospective bidders and their related businesses have complied with the provisions of the bill or demonstrate that it is inapplicable.

The Department of Public Works (DPW) indicates that AB 2901 provides more convenient opportunities for residents/businesses to recycle their cell phones, thus, assisting the County to comply with the State waste reduction mandates. The Los Angeles County Sanitation Districts indicate that AB 2901 would be beneficial in reducing cell phone disposal at local landfills. Both DPW and the Sanitation Districts recommend that the County support AB 2901, and we concur. **Support for AB 2901 is consistent with existing policy to support funding to local governments for the environmentally safe management of electronic waste.**

AB 2901 is sponsored by Californians Against Waste and is supported by a host of entities, including: California League of Conservation Voters; California State Association of Counties; League of California Cities; League of Conservation Voters; Planning and Conservation League; Sierra Club; Solid Waste Association of North America, and the California Refuse Removal Council. This measure is opposed by Cellular Telecommunications & Internet Association; Electronic Industries Alliance; San Diego Telecom Council; Silicon Valley Manufacturing Group; and Sony Ericsson Mobile.

The Assembly concurred with Senate Amendments to AB 2901 on August 25, 2004 by a vote of 53 to 25, sending the bill to the Governor's desk where it awaits his action.

Please let me know if you need any additional information.

DEJ:GK
MAL:JF:EW:ib

c: Executive Officer, Board of Supervisors
Department of Public Works
Los Angeles County Sanitation Districts
Legislative Strategist